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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 97-041

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]

2. Form, Style and Placement in Administrative Code

In s. NR 407.03 (4), following “(w),” “or” should not be stricken and a comma should not be inserted.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. The department should review the use of the terms “primary crusher” and “primary grinding mill” in s. NR 406.04 (1) (zc) 1. and 2. to determine if a definition of these terms is necessary to avoid any confusion with the references to “crusher” and “grinding mill” in these subdivisions.

b. The department should review the treatment of mercury and mercury compounds in the definition of hazardous air pollutant index in s. NR 407.02 (3m) to ensure that the text conforms with the department’s intent. It is not apparent if the department intends s. NR 407.02 (3m) (d) to apply to mercury and mercury compounds in light of the reference to mercury and mercury compounds in s. NR 407.02 (3m) (a).

c. The department should review the treatment of sub. (1) (sm) in s. NR 407.03 (4) to ensure that the text conforms with the department’s intent. In particular, the first sentence in sub. (4) deletes the reference to par. (sm) while the third sentence in sub. (4) maintains the reference to par. (sm).

d. The need for the phrase “if allowed under s. 285.66 (3) (c), Stats.” in s. NR 407.09 (1) (f) 1. is not apparent. Under s. 285.66 (3) (c), Stats., the department may deny an application

for renewal of an operation permit for a stationary source if the stationary source is in violation of its current operation permit. At the same time, the text of the second sentence in s. NR 407.09 (1) (f) 1. begins by referring to noncompliance with the operation permit as grounds for the specified actions which, under s. 285.66 (3) (c), Stats., includes denial of a permit renewal application.

6. Potential Conflicts With, and Comparability to, Related Federal Regulations

The analysis accompanying the rule indicates that many of the proposed revisions in the rule correct deficiencies listed by the U.S. Environmental Protection Agency in granting the Wisconsin air pollution operation permit program interim approval. While this implies that the rule will not conflict with federal regulations, it does not address how the rule compares to federal regulations. The analysis to the rule should state how the rule and federal regulations compare, e.g., is the rule more stringent, so that the reader will be able to determine the comparability of the rule to related federal regulations.